

UNITED STATES INTERNATIONAL TRADE COMMISSION
Washington D.C.

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In the matter of :
: Inv. No. 337-TA-____
: CERTAIN MOBILE TELEPHONES AND
: MODEMS :
: :
: :
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COMPLAINT UNDER SECTION 337 OF THE TARIFF ACT OF 1930, AS AMENDED

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3. Certified copy of United States Patent No. 6,263,205
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- B. Certified copy of the prosecution history of the '604 patent, and three additional copies thereof
- C. Certified copy of the prosecution history of the '205 patent, and three additional copies thereof
- D. Certified copy of the prosecution history of the '611 patent, and three additional copies thereof
- E. Certified copy of the prosecution history of the '464 patent, and three additional copies thereof
- F. Non-certified copy of the prosecution history of the '447 patent, and three additional copies thereof
- G. Four copies of each patent and technical reference mentioned in the prosecution history of the '092 patent
- H. Four copies of each patent and technical reference mentioned in the prosecution history of the '604 patent
- I. Four copies of each patent and technical reference mentioned in the prosecution history of the '205 patent
- J. Four copies of each patent and technical reference mentioned in the prosecution history of the '611 patent
- K. Four copies of each patent and technical reference mentioned in the prosecution history of the '464 patent
- L. Four copies of each patent and technical reference mentioned in the prosecution history of the '447 patent
- M. Non-certified copy of the prosecution history of the '732 patent, and three additional copies thereof
- N. Four copies of each patent and technical reference mentioned in the prosecution history of the '732 patent

I. INTRODUCTION

1. Complainant Sony Corporation (“Sony”) requests the U.S. International Trade Commission (“ITC”) to commence an investigation pursuant to section 337 of the Tariff Act of 1930 as amended, 19 U.S.C. § 1337 (a)(1)(B)(i) (“section 337”), and to remedy the unlawful importation into the United States, the sale for importation, and/or the sale within the United States after importation by the owner, importer, or consignee, of articles covered by valid and enforceable United States patents owned by Sony.

2. The proposed respondents, LG Electronics, Inc., LG Electronics U.S.A., Inc. and LG Electronics Mobilecomm U.S.A., Inc. (collectively, “LG” or “Respondents”) have engaged in unfair acts in violation of section 337 through the unlicensed importation, sale for importation and/or sale after importation of certain mobile telephones and modems covered by one or more claims of Sony’s United States Patent Nos. 6,311,092 (“the ’092 patent”), 5,907,604 (“the ’604 patent”), 6,263,205 (“the ’205 patent”), 6,507,611 (“the ’611 patent”), 6,674,464 (“the ’464 patent”), 7,839,447 (“the ’447 patent”), and 6,674,732 (“the ’732 patent”).

3. Certified copies of the ’092, ’604, ’205, ’611, ’464, ’447 patents and a non-certified copy of the ’732 patent¹ (the “Asserted Patents”) accompany this complaint as **Exhibits 1-6 and 55**. Sony owns by assignment the entire right, title and interest to each of these patents. Certified copies of recorded assignments of the ’092, ’205, ’611, and ’464 patents and a non-

¹ A certified copy of the ’732 patent is currently on order from the U.S. Patent & Trademark Office and will be provided once it has been received.

certified copy of recorded assignments of the '604, '447, and '732 patents² accompany this complaint as **Exhibits 7-12** and **56**.

4. As required by section 337(a)(2) and defined by section 337(a)(3), an industry exists in the United States relating to certain mobile telephones protected by the Asserted Patents. The domestic industry for the Asserted Patents includes the substantial United States investments and expenditures of Sony and/or Sony's licensees, including Nokia, Samsung and Sony Ericsson, and substantial investment in the exploitation of the inventions claimed in the Asserted Patents, including through engineering, research and development, servicing, and licensing.

5. Sony seeks an order pursuant to section 337(d) excluding from entry into the United States all mobile telephones and modems of Respondents covered by any asserted claim of the Asserted Patents. Sony further seeks a cease and desist order directed to Respondents to halt the importation, marketing, advertising, demonstration, distribution, sale and use of such imported products in the United States pursuant to section 337(f).

II. COMPLAINANT

6. Sony Corporation is a corporation organized and existing under the laws of Japan with offices at 1-7-1 Konan, Minato-ku, Tokyo, 108-0075, Japan.

7. Sony has sought and obtained patent protection in the United States for a number of inventions applicable to mobile telephones and modems, including the inventions claimed in the '092, '604, '205, '611, '464, '447, and '732 patents.

² Certified copies of these assignments are currently on order from the U.S. Patent & Trademark Office and will be provided once they have been received.

8. Sony is a market leader in consumer electronics and its innovations have become a part of mainstream culture. Sony continues to fuel industry growth with the sales of innovative products. Through research and development, the company has made considerable innovations even in areas in which it does not sell a significant number of consumer products, but in which its licensees do sell consumer products, including mobile telephones.

III. PROPOSED RESPONDENTS

9. Upon information and belief, respondent LG Electronics, Inc. (“LGE”) is a corporation organized and existing under the laws of South Korea with offices at LG Twin Towers, 20 Yeouido-dong Yeongdeungpo-gu, Seoul, 150-721, South Korea. Upon information and belief, LGE is involved in the design, development, manufacture and importation of certain mobile telephones and modems covered by one or more claims of the ’092, ’604, ’205, ’611, ’464, ’447, and ’732 patents.

10. Upon information and belief, respondent LG Electronics U.S.A., Inc. (“LGEUS”) is a corporation organized and existing under the laws of Delaware with offices at 1000 Sylvan Avenue, Englewood Cliffs, New Jersey, 07632. Upon information and belief, LGEUS is involved in the importation into the United States of certain mobile telephones and modems covered by one or more claims of the ’092, ’604, ’205, ’611, ’464, ’447, and ’732 patents.

11. Upon information and belief, respondent LG Electronics Mobilecomm U.S.A., Inc. (“LGEMU”) is a corporation organized and existing under the laws of California with offices at 10101 Old Grove Road, San Diego, California, 92131. Upon information and belief, LGEMU is involved in the importation and sale after importation of certain mobile telephones and modems covered by one or more claims of the ’092, ’604, ’205, ’611, ’464, ’447, and ’732 patents.

12. Upon information and belief, Respondents have engaged in unlicensed importation, sale for importation and/or sale after importation of mobile telephones and modems covered by one or more claims of the '092, '604, '205, '611, '464, '447, and '732 patents.

IV. THE PRODUCTS AT ISSUE

13. The products at issue in this investigation are certain mobile telephones and modems manufactured by Respondents. These mobile telephones and modems are compatible with certain third generation ("3G") and fourth generation ("4G") telecommunication standards, specifically the Universal Mobile Telecommunications System (UMTS)³ standard, the Code Division Multiple Access 2000 (CDMA2000)⁴ standard, and Long Term Evolution (LTE)⁵ standard, and include features such as audio recording, digital cameras, and display of facial images associated with a specific contact.

14. The accused products include at least the following models: Accolade (VX5600), Cosmos (VN250), Encore (GT550), enV Touch (VX11000), Fathom (VS750), Glance (VX7100), GU295, Lotus Elite (LX610), LX370, Neon (GT365), Quantum (C900), Remarq (LN240), Rumor Touch (LN510), VL600, Vu Plus (GR700), and Xenon (GR500).

³ UMTS wireless networks are common in the United States and abroad and include those provided by AT&T Mobility and T-Mobile USA.

⁴ CDMA2000 wireless networks are common in the United States and abroad and include those provided by Verizon Wireless and Sprint Nextel.

⁵ LTE wireless networks are in operation in the United States and abroad and include those provided by Verizon Wireless and MetroPCS.

V. THE ASSERTED PATENTS

A. United States Patent No. 6,311,092

1. Identification of the Patent and Ownership by Sony

15. United States Patent No. 6,311,092 (**Exhibit 1**) entitled “Recording apparatus, reproducing apparatus, and recording and/or reproducing apparatus,” was issued on October 30, 2001 naming Eiichi Yamada as inventor and is assigned to Sony Corporation (*see Exhibit 7*).

16. Pursuant to Rule 210.12(c) of the Commission’s Rules of Practice and Procedure, this Complaint is accompanied by the following: (1) a non-certified copy and three additional copies of the prosecution history⁶ of the ’092 patent (**Appendix A**); and (2) four copies of each reference document mentioned in the prosecution history (**Appendix G**).

2. Non-Technical Description of the Patented Invention

17. In handheld recording devices capable of converting voice or other audio to digital signals, and storing such digital audio signals in memory, it is desirable to reduce the overall size of the device, and, as a result, the microphone is in close proximity to the recording controls. Because of its close proximity to other parts of the handheld recording device, the microphone may pick up noise from the operation of other parts. For example, selection of a switch or button for activation of a recording function may generate a sound, and because of the limited distance between the microphone and switch or button, that sound will become an undesired part of the recorded digital audio signal. The ’092 patent relates generally to an apparatus designed to delay the recording of audio for a predetermined time after selection of such recording controls so that any resulting sounds that may be picked up by the microphone are not recorded as part of the digital audio signal in memory.

⁶ A certified copy of the prosecution history of the ’092 patent is currently on order from the U.S. Patent & Trademark Office and will be provided once it has been received.

3. Foreign Counterparts to the '092 Patent

18. **Exhibit 13** lists the foreign counterparts for the '092 patent. Complainant certifies that there are no other foreign patents or patent applications corresponding to the '092 patent that have been issued, abandoned, denied or remain pending.

B. United States Patent No. 5,907,604

1. Identification of the Patent and Ownership by Sony

19. United States Patent No. 5,907,604 (**Exhibit 2**) entitled "Image icon associated with caller ID," was issued on May 25, 1999 naming P. Robert Hsu as inventor and is assigned to Sony Corporation (*see Exhibit 8*).

20. Pursuant to Rule 210.12(c) of the Commission's Rules of Practice and Procedure, this Complaint is accompanied by the following: (1) a certified copy and three additional copies of the prosecution history of the '604 patent (**Appendix B**); and (2) four copies of each reference document mentioned in the prosecution history (**Appendix H**).

2. Non-Technical Description of the Patented Invention

21. When receiving a phone call, it is advantageous to be able to identify a caller by an image of the caller rather than merely a name or number. The '604 patent relates generally to methods of associating an image of an individual's face with that individual's phone number in a telephone system. When a phone number associated with that person makes an incoming phone call to the telephone, then the image of that individual appears on the display and automatically disappears if the call is not answered within a certain period of time.

3. Foreign Counterparts to the '604 Patent

22. Complainant certifies that there are no foreign patents or patent applications corresponding to the '604 patent that have been issued, abandoned, denied or remain pending.

C. United States Patent No. 6,263,205

1. Identification of the Patent and Ownership by Sony

23. United States Patent No. 6,263,205 (**Exhibit 3**) entitled “Mobile radio communication system,” was issued on July 17, 2001 naming Tomoya Yamaura, Kazuyuki Sakoda, and Mitsuhiro Suzuki as inventors and is assigned to Sony Corporation (*see Exhibit 9*).

24. Pursuant to Rule 210.12(c) of the Commission’s Rules of Practice and Procedure, this Complaint is accompanied by the following: (1) a certified copy and three additional copies of the prosecution history of the ’205 patent (**Appendix C**); and (2) four copies of each reference document mentioned in the prosecution history (**Appendix I**).

2. Non-Technical Description of the Patented Invention

25. In a mobile telephone system, it is desirable to maximize communication capacity while also controlling the transmission power of the individual mobile telephones to maintain the stability of the system. To control transmission power (and thus interference with nearby base stations), mobile phones located in areas where base station coverage overlaps may be simultaneously connected to the overlapping base stations so as to receive power control signals from both stations. However, this “soft hand-off” while moving between overlapping stations uses communication capacity of both stations thus reducing overall system communication capacity. In contrast, in a “hard hand-off”, when a mobile phone moves between overlapping stations, it terminates its connection with the first base station and initiates a connection with the second base station, thus the ability to control transmission power is reduced but there is less impact on overall system capacity. The ’205 patent generally relates to systems by which soft hand-offs are used for certain control signals (e.g., signals related to transmission

power control) and hard hand-offs are used for other signals in order to provide an appropriate balance between system capacity and stability.

3. Foreign Counterparts to the '205 Patent

26. **Exhibit 13** lists the foreign counterparts for the '205 patent. Complainant certifies that there are no other foreign patents or patent applications corresponding to the '205 patent that have been issued, abandoned, denied or remain pending.

D. United States Patent No. 6,507,611

1. Identification of the Patent and Ownership by Sony

27. United States Patent No. 6,507,611 (**Exhibit 4**), entitled "Transmitting apparatus and method, receiving apparatus and method, and providing medium," was issued on January 14, 2003 naming Kenichi Imai, Minoru Tsuji, and Takashi Koike as inventors and is assigned to Sony Corporation (*see Exhibit 10*).

28. Pursuant to Rule 210.12(c) of the Commission's Rules of Practice and Procedure, this Complaint is accompanied by the following: (1) a certified copy and three additional copies of the prosecution history of the '611 patent (**Appendix D**); and (2) four copies of each reference document mentioned in the prosecution history (**Appendix J**).

2. Non-Technical Description of the Patented Invention

29. In transmitting digital audio over a network for reproduction in real time, it is customary to compress and encode the digital audio on the transmitting side, transmit the encoded data to the receiving side, and decode the encoded data on the receiving side, because the data rate of the digital audio is typically higher than the transmission rate of the network. However, the transmission rate of the network (either wired or wireless) may vary over time and thus it is desirable to select different encoders or different encoding techniques based on the

current transmission rate of the network. The '611 patent generally relates to methods and apparatus for transmitting digital audio that has been encoded by one of a plurality of encoders that is selected based on detecting the transmission rate of the network. The '611 patent further describes changing the selected encoder after transmission begins based on detecting the transmission rate of the network.

3. Foreign Counterparts to the '611 Patent

30. **Exhibit 13** lists the foreign counterparts to the '611 patent. Complainant certifies that there are no other foreign patents or patent applications corresponding to the '611 patent that have been issued, abandoned, denied, or remain pending.

E. United States Patents Nos. 6,674,464 and 7,839,447

1. Identification of the Patents and Ownership by Sony

31. United States Patent No. 6,674,464 (**Exhibit 5**), entitled "Imaging apparatus for performing selective processing of image data," was issued on January 6, 2004 naming Yoichi Mizutani, Masayuki Takezawa, Hideki Matsumoto, Ken Nakajima, and Toshihisa Yamamoto as inventors and is assigned to Sony Corporation (*see Exhibit 11*). United States Patent No. 7,839,447 (**Exhibit 6**), entitled "Imaging apparatus," was issued on November 23, 2010 naming Yoichi Mizutani, Masayuki Takezawa, Hideki Matsumoto, Ken Nakajima, and Toshihisa Yamamoto as inventors and is assigned to Sony Corporation (*see Exhibit 12*).

32. The '464 patent is a grandparent application to the '447 patent -- i.e., the '447 patent issued from Application No. 12/769,129, which was a continuation of Application No. 10/668,904, which was in turn a division of the application that issued as the '464 patent (No. 09/354,476). Because the '464 and '447 patents are related in this manner, they share the same inventors, figures, and specification.

33. Pursuant to Rule 210.12(c) of the Commission's Rules of Practice and Procedure, this Complaint is accompanied by the following: (1) a certified copy and three additional copies of the prosecution history of the '464 patent (**Appendix E**); (2) four copies of each reference document mentioned in the '464 prosecution history (**Appendix K**); (3) a non-certified copy and three additional copies of the prosecution history⁷ of the '447 patent (**Appendix F**); and (4) four copies of each reference document mentioned in the '447 prosecution history (**Appendix L**).

2. Non-Technical Description of the Patented Invention

34. In image capture and recording devices (e.g., cameras), it is advantageous to incorporate a viewfinder that may also be used to view captured images. However, the camera must process image data in a real-time manner for the display to be useful as a viewfinder, and it is not necessary to display an image of the highest possible quality when in the finder mode. The '464 and '447 patents disclose and claim apparatuses that process image data differently based on the mode in which the imaging device is operated - i.e., a finder mode or a recording mode. When the imaging device is operated in the finder mode, image data is processed in a real-time manner for reproduction of the current scene on the display. When the imaging device is operated in a recording mode, image data is processed without discarding image data and the processed image data is stored to memory.

3. Foreign Counterparts to the '464 and '447 Patents

35. **Exhibit 13** lists the foreign counterparts for the '464 and '447 patents. Complainant certifies that there are no other foreign patents or patent applications corresponding to the '464 or '447 patents that have been issued, abandoned, denied or remain pending.

⁷ A certified copy of the prosecution history of the '447 patent is currently on order from the U.S. Patent & Trademark Office and will be provided once it has been received.

F. United States Patent No. 6,674,732

1. Identification of the Patent and Ownership by Sony

36. United States Patent No. 6,674,732 (**Exhibit 55**), entitled “Transmitting method, receiving method, transmitter, and receiver,” was issued on January 6, 2004 naming Ralf Boehnke, Kentaro Odaka, Hamid Amir-Alikhani, Richard Stirling-Gallacher, Seiichi Izumi, and Mitsuhiro Suzuki as inventors and is assigned to Sony Corporation (*see Exhibit 56*).

37. Pursuant to Rule 210.12(c) of the Commission’s Rules of Practice and Procedure, this Complaint is accompanied by the following: (1) a certified copy and three additional copies of the prosecution history of the ’732 patent (**Appendix M**); and (2) four copies of each reference document mentioned in the prosecution history (**Appendix N**).

2. Non-Technical Description of the Patented Invention

38. In cellular wireless communications, the resources for transmission and reception between mobile devices and base stations must be shared among multiple users. For example, when time-division is used to share a communications channel, that channel (i.e., frequency band) is divided into a number of time segments and each user is assigned to certain of those segments for transmitting or receiving. As another example, when frequency-division is used to share a communications channel the full frequency band of the channel is subdivided into a number of smaller frequency bands (e.g., “subcarriers”) and each user is assigned to one or more subcarriers for transmitting or receiving. Each of these methods have certain drawbacks, including multipath and other common types of signal interference, associated therewith that can degrade the quality of the users’ communications.

39. The '732 patent generally relates to methods and apparatus for transmitting or receiving wireless communications signals using both time-division and frequency-division that are designed to improve upon the signal quality available from using these channel sharing methods individually. According to the teachings of the '732 patent, a communications channel is divided into a series of time slots and then within each time slot the channel is further subdivided into a number of groups of subcarriers that are individually referred to as "blocks." Communications channels are formed by allocating a number of blocks within a time slot among a plurality of channels, which are then used by a device to communicate on a selected channel. By separating individual time segments using frequency division and coordinating the assignment of blocks amongst users, the inventions of the '732 patent are able to increase resilience to degrading factors, such as multipath interference.

3. Foreign Counterparts to the '732 Patent

40. **Exhibit 57** lists the foreign counterparts to the '732 patent. Complainant certifies that there are no other foreign patents or patent applications corresponding to the '732 patent that have been issued, abandoned, denied, or remain pending.

VI. UNFAIR ACTS OF THE RESPONDENTS

41. Upon information and belief, Respondents have been and are now infringing, directly and indirectly by way of inducement and/or contributory infringement, literally and/or under the doctrine of equivalents at least claims 1 and 2 of the '092 patent, at least claims 1 and 8 of the '604 patent, at least claims 7-10 of the '205 patent, at least claims 17, 18, 24, 25, 27, 32, 33, 34, 40, 41, 43 and 48 of the '611 patent, at least claims 1-3 of the '464 patent, at least claims

3, 4, 7, and 8 of the '447 patent, and at least claims 2, 3, 6, and 7 of the '732 patent by importing, selling for importation and/or selling after importation certain mobile telephone handsets and modems (the "Accused Products"). Respondents are aware of the Asserted Patents.

Respondents have been and are now infringing the asserted claims by packaging the Accused Products along with, or otherwise providing, instructions for use of the Accused Products which, when followed, result in a direct infringement of the Asserted Patents by users of the Accused Products. On information and belief, Respondents actually intend to cause persons who purchase the Accused Products to use such products in accordance with Respondents' instructions, and Respondents know or should know that such acts result in direct infringement of the Asserted Patents.

42. A claim chart demonstrating how claims 1 and 2 of the '092 patent are infringed by LG phones, including, for example, the LG Xenon (GR500) phone, is attached as **Exhibit 14**. Other phones infringing this patent include, for example, the LG Cosmos (VN250), Encore (GT550) and Glance (VX7100). Sony reserves the right to assert the '092 patent against additional and future models of LG phones as discovery progresses. Documents referenced in this claim chart are attached as **Exhibit 21**.

43. A claim chart demonstrating how claims 1 and 8 of the '604 patent are infringed by LG phones, including, for example, the LG Xenon (GR500) phone, is attached as **Exhibit 15**. Other phones infringing this patent include, for example, the LG Accolade (VX5600), Cosmos (VN250), Encore (GT550), enV Touch (VX11000), Fathom (VS750), Glance (VX7100), Lotus Elite (LX610), LX370, Neon (GT365), Quantum (C900), Remarq (LN240), Rumor Touch (LN510), and Vu Plus (GR700). Sony reserves the right to assert the '604 patent against

additional and future models of LG phones as discovery progresses. Documents referenced in this claim chart are attached as **Exhibit 21**.

44. A claim chart demonstrating how claims 7-10 of the '205 patent are infringed by LG phones, including, for example, the LG Xenon (GR500) phone due to its compliance with at least the HSPA portions of the UMTS standard, is attached as **Exhibit 16**. Other phones infringing this patent include, for example, the Encore (GT550), Fathom (VS750), GU295, Quantum (C900), and Vu Plus (GR700). Sony reserves the right to assert the '205 patent against additional and future models of LG phones as discovery progresses. Documents referenced in this claim chart are attached as **Exhibit 21** and/or available at the referenced hyperlinks.

45. A claim chart demonstrating how claims 17, 18, 24, 25, 27, 32, 33, 34, 40, 41, 43 and 48 of the '611 patent are infringed by LG phones, including, for example, the LG Fathom (VS750) phone due to its compliance with at least Service Option 68 (EVRC-B) of the CDMA2000 standard, is attached as **Exhibit 17**. Other phones infringing this patent include, for example, the Accolade (VX5600), Cosmos (VN250), enV Touch (VX11000), Glance (VX7100), Lotus Elite (LX610), LX370, Remarq (LN240), and Rumor Touch (LN510). Sony reserves the right to assert the '611 patent against additional and future models of LG phones as discovery progresses. Documents referenced in this claim chart are attached as **Exhibit 20** and/or available at the referenced hyperlinks.

46. A claim chart demonstrating how claims 1-3 of the '464 patent are infringed by, for example LG phones, including, the LG Fathom (VS750) phone, is attached as **Exhibit 18**. Other phones infringing this patent include, for example, the LG Accolade (VX5600), Cosmos (VN250), Encore (GT550), enV Touch (VX11000), Glance (VX7100), GU295, Lotus Elite (LX610), LX370, Neon (GT365), Quantum (C900), Remarq (LN240), Rumor Touch (LN510),

Vu Plus (GR700), and Xenon (GR500). Sony reserves the right to assert the '464 patent against additional and future models of LG phones as discovery progresses. Documents referenced in this claim chart are attached as **Exhibit 20**.

47. A claim chart demonstrating how claims 3, 4, 7, and 8 of the '447 patent are infringed by LG phones, including, for example, the LG Fathom (VS750) phone, is attached as **Exhibit 19**. Other phones infringing this patent include, for example, the LG Accolade (VX5600), Cosmos (VN250), Encore (GT550), enV Touch (VX11000), Glance (VX7100), GU295, Lotus Elite (LX610), LX370, Neon (GT365), Quantum (C900), Remarq (LN240), Rumor Touch (LN510), Vu Plus (GR700), and Xenon (GR500). Sony reserves the right to assert the '447 patent against additional and future models of LG phones as discovery progresses. Documents referenced in this claim chart are attached as **Exhibit 20**.

48. A claim chart demonstrating how claims 2, 3, 6, and 7 of the '732 patent are infringed by LG modems, including, for example, the LG VL600 modem due to its compliance with at least the LTE standard, is attached as **Exhibit 58**. Sony reserves the right to assert the '732 patent against additional and future models of LG phones or modems as discovery progresses. Documents referenced in this claim chart are attached as **Exhibit 59** and/or available at the referenced hyperlinks.

VII. SPECIFIC INSTANCES OF UNFAIR IMPORTATION AND SALE

49. An LG Xenon (GR500) mobile telephone was purchased within the United States on or about October 6, 2009. Copies of the documents detailing this transaction, including a record of the payment receipt, are attached as **Exhibit 22**. Photographs of the LG Xenon (GR500) mobile telephone and the packaging for it are included as **Exhibit 23**. On information and belief this mobile telephone was manufactured in Korea and imported into the United States.

50. An LG Fathom (VS750) mobile telephone was purchased within the United States on or about December 15, 2010. Copies of the documents detailing this transaction, including a record of the payment receipt, are attached as **Exhibit 24**. Photographs of the LG Fathom (VS750) mobile telephone and the packaging for it are included as **Exhibit 25**. On information and belief this mobile telephone was manufactured in Korea and imported into the United States.

51. An LG VL600 USB modem was purchased within the United States on or about December 20, 2010. Copies of the documents detailing this transaction, including a record of the payment receipt, are attached as **Exhibit 60**. Photographs of the LG VL600 USB modem and the packaging for it are included as **Exhibit 61**. On information and belief this modem was manufactured in Korea and imported into the United States.

52. On information and belief at least the following LG mobile telephones are also manufactured in Korea and imported into the United States: Accolade (VX5600), Cosmos (VN250), Encore (GT550), enV Touch (VX11000), Glance (VX7100), GU295, Lotus Elite (LX610), LX370, Neon (GT365), Quantum (C900), Remarq (LN240), Rumor Touch (LN510), and Vu Plus (GR700). Labels for these mobile telephones, submitted by Respondents to the Federal Communications Commission, show that such products are manufactured outside the United States, and are attached as **Exhibit 26**.

VIII. CLASSIFICATION OF THE INFRINGING PRODUCTS UNDER THE HARMONIZED TARIFF SCHEDULE OF THE UNITED STATES

53. On information and belief, the Harmonized Tariff Schedule of the United States item numbers under which the Respondents' infringing products may be imported into the United States may be at least 8517.12.00, 8517.62.0010 and subsections thereof.

IX. THE DOMESTIC INDUSTRY

54. There is a domestic industry as defined under 19 U.S.C. § 1337(a)(2) and (3) relating to the articles protected by the Asserted Patents, including activities relating to investments in plant and equipment, employment of labor and capital, and research and development. These investments are all tied, at least in part, to the Asserted Patents.

Confidential Exhibit 27 is a declaration regarding Sony's domestic industry, detailing Sony's substantial investments in its exploitation of the Asserted Patents in the United States.

A. Practice of the Asserted Patents (Technical Prong)

55. Various phones of Sony Ericsson Mobile Communications AB and its wholly owned subsidiary, Sony Ericsson Mobile Communications (USA), Inc. (collectively "Sony Ericsson"), a licensee of the Asserted Patents, practice the '092, '604, '205, '464, and '447 patents.⁸ Pursuant to 19 C.F.R. § 210.12(a)(9)(iv), a copy of Sony's license agreement with Sony Ericsson is attached as **Confidential Exhibit 28**. Sony Ericsson's practice of the '092, '604, '205, '464, and '447 patents in the United States is shown by the representative Sony Ericsson Model W518a. Photographs of this mobile telephone are included in **Exhibit 29**.

56. **Exhibit 30** contains technical information regarding Sony Ericsson's Model W518a mobile telephone. Charts comparing Sony Ericsson's Model W518a to representative claims of the '092, '604, '205, '464, and '447 patents are attached as **Exhibits 31 to 35**.

57. Various phones of Samsung Electronics Co., Ltd. ("Samsung"), a licensee of the Asserted Patents, practice the '092, '604, '611, '464, '447, and '732 patents. Due to Sony's obligation to maintain the terms of its license agreement with Samsung confidential, a copy of

⁸ Sony Ericsson is a joint venture owned equally by Sony Corporation and Telefonaktiebolaget LM Ericsson that was established in October 2001.

the agreement is not attached hereto. Sony will provide a copy of the Samsung license agreement pursuant to 19 C.F.R. § 210.12(a)(9)(iv) once permission for its disclosure has been obtained.

58. Samsung's practice of the '092, '604, '611, '464, and '447 patents in the United States is shown by the representative Samsung Trance (SCH-u490). Photographs of the Trance (SCH-u490) mobile telephone are included in **Exhibit 36**.

59. **Exhibit 37** contains technical information regarding the Samsung Trance (SCH-u490) mobile telephone. Charts comparing the Samsung Trance (SCH-u490) to representative claims of the '092, '604, '611, '464, and '447 patents are attached as **Exhibits 38 to 42**.

60. Samsung's practice of the '732 patent in the United States is shown by the representative Samsung Craft (SCH-R900). Photographs of the Samsung Craft (SCH-R900) mobile telephone are included in **Exhibit 62**.

61. **Exhibit 63** contains technical information regarding the Samsung Craft (SCH-R900) mobile telephone. A chart comparing the Samsung Craft (SCH-R900) to representative claims of the '732 patent is attached as **Exhibit 64**.

62. Various phones of Nokia Corporation ("Nokia"), a licensee of the Asserted Patents, practice certain of the Asserted Patents. Pursuant to 19 C.F.R. § 210.12(a)(9)(iv), a copy of Sony's license agreement with Nokia is attached as **Confidential Exhibit 43**.

63. Nokia's practice of the '604, '092, '611, '464, and '447 patents in the United States is shown by the representative Nokia Models 2600 and 7205. Photographs of the Nokia Model 2600 and 7205 mobile telephones are included in **Exhibits 44 and 45**.

64. **Exhibits 46 and 47** contain technical information regarding Nokia's Model 2600 and 7205 mobile telephones. A chart comparing Nokia's Model 2600 to representative claims of

the '604 patent is attached as **Exhibit 48**. Charts comparing Nokia's Model 7205 to representative claims of the '092, '611, '464, and '447 patents are attached as **Exhibits 49 to 50** and **52 to 53**.

B. Economic Activity in the United States (Economic Prong)

1. Sony Ericsson's Domestic Investments Relating to the Licensed Products

65. Sony Ericsson has made significant investments in plant, equipment, labor, and capital in the United States relating to mobile telephones that practice the '092, '604, '205, '464 and '447 patents. These activities include research and development, design, engineering, manufacturing process design, testing, distribution, sale, and service of Sony Ericsson mobile telephones that practice certain of the Asserted Patents.

66. Sony Ericsson has engineers working at its facilities in Atlanta, Georgia and Redwood City, California developing and supporting Sony Ericsson mobile telephones for the United States market including, for example, the Sony Ericsson W518a, which practices the '092, '604, '205, '464 and '447 patents. The W518a was developed, in part, in the United States by Sony Ericsson engineers at its facilities located in Research Triangle Park, North Carolina. The North Carolina facilities recently closed and operations of that facility, including engineering, development, and other business activities, have been consolidated at the Sony Ericsson facilities in Georgia and California. Sony Ericsson engineers in the United States study the market demands of United States wireless service providers (*e.g.*, AT&T) and United States consumers, and develop two to three phones per year with the process for developing a phone taking about twelve months. The work involves at least design engineering for the product, engineering of mechanical and electrical functioning of the product, software construction, and

product manufacturing process design. The product also undergoes rigorous testing for durability and functionality.

67. Sony Ericsson personnel located in Atlanta, Georgia are also involved in securing approval for its mobile telephones and meeting the standards of the service providers.

Additional Sony Ericsson personnel administer the ordering of products from manufacturing sources, and for the administration of sales to the wireless service providers. Additional Sony Ericsson personnel administer the Sony Ericsson customer service and repair service operations, which include customer call centers and repair centers located throughout the United States.

68. Sony Ericsson's investment in the United States in labor, equipment, plant, and capital for the development of the W518a mobile telephone is set forth in **Confidential Exhibit 51**.

2. Samsung's Domestic Investments Relating to the Licensed Products

69. On information and belief, Samsung has made significant investments in plant, equipment, labor, and capital in the United States relating to mobile telephones that practice certain of the Asserted Patents. This activity includes warranty, service and repair, research and development, and engineering activities relating to the Samsung mobile telephones that practice certain of the Asserted Patents.

70. On information and belief, Samsung operates research and development facilities in Richardson, Texas and San Jose, California that employ researchers, engineers, and others in relation to the design, development, and testing of mobile telephones that practice certain of the Asserted Patents. On information and belief, Samsung's personnel in the United States are at least partly responsible for creating the software that operates on Samsung mobile telephones that practice certain of the Asserted Patents.

71. On information and belief, Samsung currently has employees located in the United States that provide technical support services to customers who have purchased Samsung mobile telephones, and Samsung operates a Customer Care Center in Plano, Texas in relation to this activity. On information and belief, Samsung has made significant investments in the United States in warranty-related repairs, replacements, and other technical work associated with Samsung mobile telephones that practice certain of the Asserted Patents.

3. Nokia's Domestic Investments Relating to the Licensed Products

72. On information and belief, Nokia has made significant investments in plant, equipment, labor, and capital in the United States that are used for economic activity relating to mobile telephones that practice certain of the Asserted Patents. This activity includes warranty, service and repair, research and development, and engineering activities relating to the Nokia mobile telephones that practice certain of the Asserted Patents.

73. On information and belief, Nokia operates a research and development facility in San Diego, California that employs researchers, engineers, and others in relation to the design, development, and testing of mobile telephones that practice certain of the Asserted Patents.

74. On information and belief, Nokia currently has employees located in facilities in several United States locations, including Irving, Texas, that plan, direct, and support the repair and service of Nokia mobile telephones by contracted service providers located throughout the United States. On information and belief, these service providers employ personnel in the United States who repair and service Nokia mobile telephones.

C. Sony Has Substantial Investments in Licensing the Asserted Patents

75. A domestic industry as defined by 19 U.S.C. § 1337(a)(3) exists with respect to Sony's activities in the United States that exploit the Asserted Patents through substantial

investments in licensing. **Confidential Exhibit 27** sets forth further details regarding these investments. To date, approximately 20 companies have taken licenses under the Asserted Patents. These companies are listed in **Confidential Exhibit 54**.

76. Sony Corporation of America (“SCA”) employs personnel in the United States, including legal counsel and support staff, to carry out these significant licensing activities. Currently, SCA employees in the United States are engaged in activities related to the licensing of Sony’s patents with respect to mobile telephones and other products.

77. In order to license its patents with respect to mobile telephones, Sony has held numerous in-person meetings with mobile telephone companies in the United States and/or involving employees based in the United States. In the course of these license negotiation meetings, Sony offered patent licenses to these companies and specifically read at least some of the patents asserted here on the products of those companies.

X. RELATED LITIGATION

78. The patents in this suit are also subject to a concurrently filed District Court action in the United States District Court for the Central District of California, entitled *Sony Corporation v. LG Electronics U.S.A., Inc., et al.*, Civil Action No. 10-09956.

XI. RELIEF REQUESTED

79. Wherefore, by reason of the foregoing, Complainant Sony requests that the United States International Trade Commission:

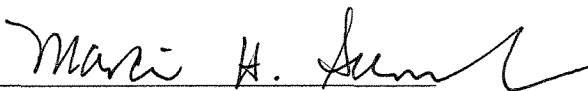
- i. institute an immediate investigation pursuant to 19 U.S.C. § 1337(a)(1)(B) (i) and (b)(1) based on Respondents’ unlawful importation in the United States, sale for importation into the United States, and/or sale in the United States after importation of certain mobile telephones and modems covered by one or more

asserted claims of United States Patents Nos. 6,311,092, 5,907,604, 6,263,205, 6,507,611, 6,674,464, 7,839,447, and/or 6,674,732.

- ii. issue an order pursuant to 19 U.S.C. § 1337(d), excluding from entry into the United States all of Respondents' mobile telephones and modems that infringe one or more asserted claims of United States Patents Nos. 6,311,092, 5,907,604, 6,263,205, 6,507,611, 6,674,464, 7,839,447, and/or 6,674,732.
- iii. issue a permanent order pursuant to 19 U.S.C. § 1337(f) directing Respondents to cease and desist from importing, marketing, advertising, demonstrating, distribution, sale and use of mobile telephones and modems that infringe one or more asserted claims of United States Patents Nos. 6,311,092, 5,907,604, 6,263,205, 6,507,611, 6,674,464, 7,839,447, and/or 6,674,732.

Respectfully submitted,

December 28, 2010

By: 

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VERIFICATION OF COMPLAINT

I, Vladimir Elgort, declare, in accordance with 19 C.F.R. 210.4 and 210.12(a), under penalty of perjury, that the following statements are true:

1. My title is Director, Intellectual Property Counsel, Intellectual Property Department, and I am employed by Sony Corporation of America. Among other duties, I represent complainant Sony Corporation and its domestic subsidiaries in U.S.-related intellectual property matters. I am authorized to make this verification for and on behalf of Sony Corporation.

2. I have read the foregoing Complaint.


3. To the best of my knowledge, information, and belief, based upon reasonable inquiry, the foregoing Complaint is well-founded in fact and is warranted by existing law or by a non-frivolous argument for the extension, modification, or reversal of existing law, or the establishment of new law;

4. The allegations and other factual contentions have evidentiary support or are likely to have evidentiary support after a reasonable opportunity for further investigation or discovery; and

5. The foregoing Complaint is not being filed for an improper purpose, such as to harass or cause unnecessary delay or needless increase in the cost of litigation.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed this 23rd day of December, 2010 at Park Ridge, New Jersey.



Vladimir Elgort
Director, IP Counsel
Intellectual Property Department
Sony Corporation of America